

## ORGANIZATION AND FUNCTIONS OF STATE AGENCY

## I. Organization

1. Executive Director - serves at the pleasure of the governor. Provides supervision and direction for the administration of all agency programs. In carrying out the duties, the director consults with and maintains a close working relationship with the state department of health and consolidated laboratories; with the director of institutions and the superintendents of the school for the deaf and the school for the blind to develop programs for developmentally disabled persons; and with the superintendent of public instruction to maximize the use of resource persons in regional human service centers in the provision of special education services. The executive director also maintains a close liaison with county social service agencies. The administrators of managerial support which provides fiscal and other administrative support to program units, contracts/appeals, and personnel report directly to the executive director.
2. Deputy Director - appointed by the Executive Director. Assists the Executive Director in the supervising and directing for the administration of all agency programs.
3. The department is organized into three different operating Management Teams consisting of Field Services Program/ Policy, Economic Assistance, and Management Support. Team managers report directly to the Executive Director. Each unit is headed by a Deputy Director. The responsibilities of each unit are as follows:

## A. Field Services Program and Policy:

1. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1964 (42 U.S.C. 3001, et seq.), home and community-based services, licensure of adult family care homes, and the fund matching program for city or county tax levies for senior citizen activities and services.
2. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, child protection services, state youth authority, licensure of day care homes and facilities, services to unmarried parents, refugee services, in-home community-based services, and administration of the interstate compacts on the placement of children and juveniles.
3. Administration of programs for children's special health services, including the provision of services and assistance to crippled children and their families, and the development and operation of

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clinics for the identification, screening, referral, and treatment of crippled children.

4. Office of Disability Services (Developmental Disabilities/Vocational Rehabilitation) carries out the administration of vocational rehabilitation programs within the state and administration of programs for persons with developmental disabilities, including licensure of facilities and services, and the design and implementation of a community-based service system for persons in need of habilitation.
5. Office of Mental Health and Substance Abuse Services carries out the administration of mental health programs, including planning and implementing preventive, consultative, diagnostic, treatment, and rehabilitative services for persons with mental or emotional disorders and psychiatric conditions and administration of alcohol and drug abuse programs, including establishing quality assurance standards for the licensure of programs, services, and facilities, planning and coordinating a system of prevention, intervention, and treatment services, providing policy leadership in cooperation with other public and private agencies, and disseminating information to local service providers and the general public.
6. Administration of the eight Regional Human Service Centers that provide needed mental health and other services to improve the quality of life for people who are vulnerable or at risk due to emotional crisis, disabling conditions or inability to protect themselves. Services are intended to protect and promote safety and emotional well-being.
7. Administration of the State Hospital which is the only public institution for the care and treatment of the mentally ill in North Dakota. The hospital provides various services for the mentally ill including medical, therapeutic, nursing, psychology, social work, community coordination and chaplaincy at its five functional units that include the adult psychiatric, child and adolescent, chemical dependency, extended treatment and forensic units.
8. Administration of the State Developmental Center which is the only public institution in North Dakota that provides intermediate care for the mentally retarded (ICF/MR) services to people with developmental disabilities in order to improve everyday skills needed for social relationships, leisure and community living.

B. Economic Assistance Management

1. Administration of child support enforcement.
2. Administration of medical service programs, including medical assistance for needy persons, early and periodic screening, diagnosis

and treatment, utilization control, claims processing, and the Healthy Steps Program (State Children Health Insurance Program).

3. Administration of economic assistance policy, including temporary assistance for needy families, food stamps, fuel assistance, refugee assistance, JOBS, child care assistance, quality control, supervision of the regional representatives who provide training and advice to county social service board employees, and Medicaid eligibility who are responsible to develop and maintain policy for Medicaid eligibility requirements; coordinate with the quality control unit to ensure that any error trends are reviewed and corrected in a prompt manner; maintain the buy-in process to ensure that eligible individuals have Medicare coverage; supervise and train eligibility workers at the local county social service boards; and resolve claims payment issues related to eligibility.

C. Management Support

1. Administration of all fiscal activities of the Department including all auditing functions, federal reporting and research and statistical information.
2. Administration of all Human Resources activities of the Department.
3. Administration of all Information Management activities including all hardware, software, maintenance, and new project development.
4. Administration of legal activities of the Department.

II. Functions: The department has the following powers and duties to be administered by the department through its state office or through regional human service centers or otherwise as directed by it:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.

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5. To provide for the study, and to promote the well-being, of deprived, unruly, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate social legislation to the legislative assembly.
8. To direct and supervise county social service board activities as may be financed in whole or in part by or with funds allocated or distributed by the department.
9. To inform the public as to social conditions and ways of meeting social needs.
10. To secure, hold, and administer for the purpose for which it is established, any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the board or department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
11. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department including child-care facilities, nonmedical adult-care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
12. To permit the making of any surveys of human service needs and activities if determined to be necessary.
13. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or maternity hospital or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
14. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, county social service board, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and

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adults in relation to their placement in or return from the developmental center at Grafton, state hospital, or North Dakota industrial school.

15. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, probation, and aftercare services when requested by the judge of a juvenile court, all reports to be kept confidential for the use of the judge except as may be disclosed by the judge.
16. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and probation and parole services, when requested by the judge in a criminal case, all reports to be kept confidential for use by the judge except as may be disclosed by the judge.
17. To act as the official agency of the state in the administration of the food stamp program and to direct and supervise county administration of that program. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program if the rate of federal financial participation in administrative costs provided under Public Law 93-347 is decreased or limited, or if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act.
18. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing assistance payments, and rental subsidies under any rental assistance programs initiated by the federal government not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction.
19. To act as the official agency of the state in the administration of the energy assistance program; to direct and supervise county administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. The department with the consent of the budget section of the legislative council may terminate the program if the rate of federal financial participation in administrative costs is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.
20. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

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21. To exercise and carry out any other powers and duties granted the department under state law.
22. To coordinate services for pregnant women.
23. To administer, allocate, and distribute any funds made available for the payment of transitional living services, to develop standards and conduct needs assessments regarding transitional living services, to develop or approve and to evaluate demonstration projects offering transitional living programs, to approve transitional living facilities for the purpose of providing foster care, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection. For purposes of this subsection:
  - a. "Transitional living facility" means a specific site, identified by a licensed child-placing agency and approved by the department, for the provision of transitional living services.
  - b. "Transitional living program" means a program that provides transitional living services, and may include an identified program operations location approved by the department.
  - c. "Transitional living services" may include housing, supervision, and supportive services intended and designed to assist persons who have received foster care services and who have reached age seventeen, but who have not reached age twenty-one, to achieve independence and self-sufficiency.
24. With the approval of the governor, to lease or transfer use of any part of the developmental center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:
  - a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the developmental center.
  - b. The transaction is exempt from the provisions of section 50-06-06.6.
  - c. The terms of any lease may not exceed ninety-nine years.
  - d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
  - e. Any funds realized by any transaction must be deposited in the state's general fund.

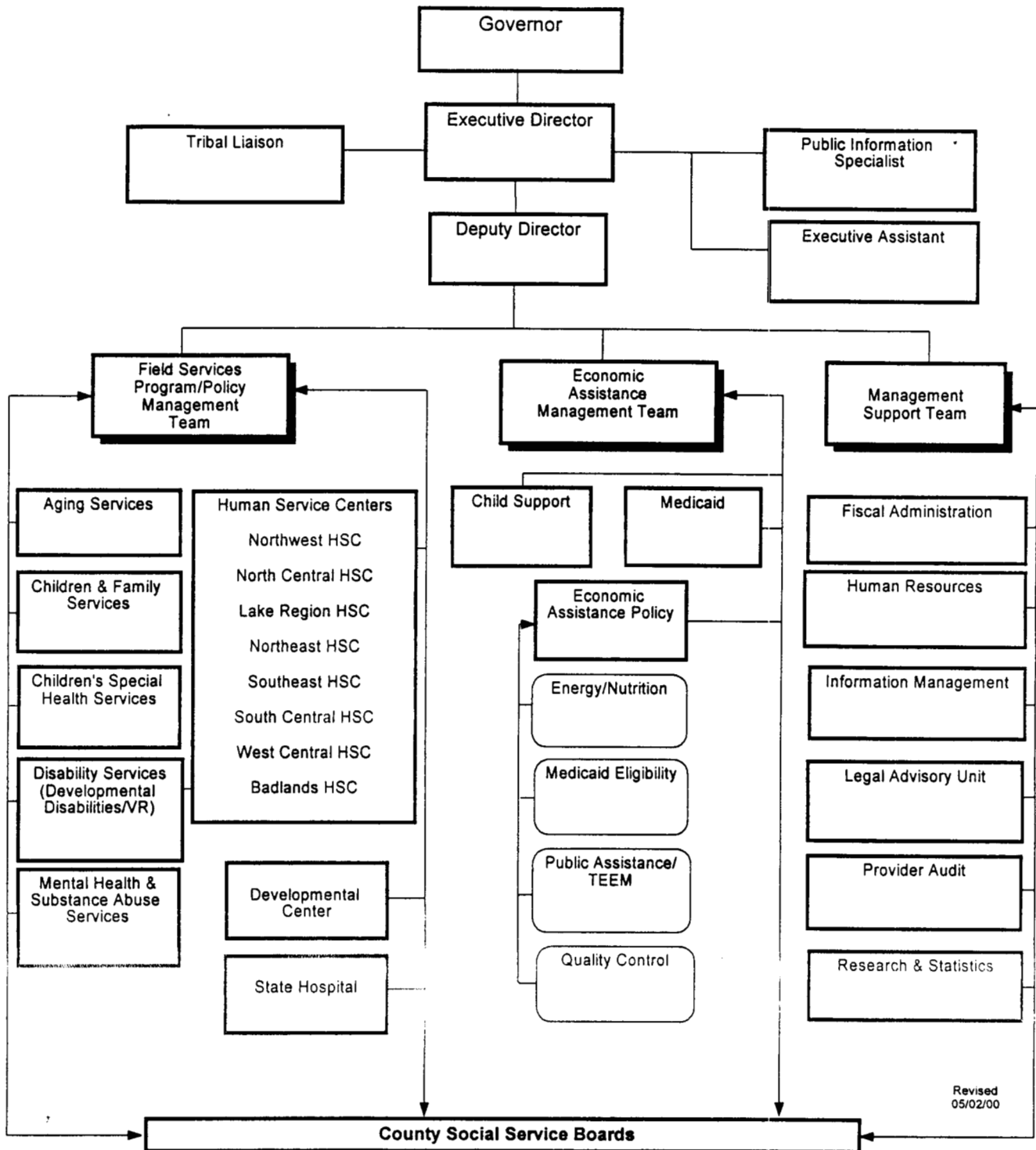
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25. To act as a decedent's successor for purposes of collecting amounts due to the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.
26. To provide those services necessary for the department and for county social service boards to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.
27. To provide for the qualifications for and the membership of a qualified board as required by section 12.1-32-15.
28. For purposes of administration of programs, subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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